

## **Agricultural Marketing Services National Organic Standards Board CHARTER**

### **1. Committee's Official Designation**

National Organic Standards Board (NOSB)

### **2. Authority**

The National Organic Standards Board is authorized under Section 2119 of the Organic Food Production Act (OFPA) of 1990 (7 U.S.C. 6519), part of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act). The OFPA specified that the NOSB be established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

### **3. Objectives and Scope of Activities**

As described in OFPA, the purpose of the NOSB is to “assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of OFPA.” Key activities of the Board include: assist in the development of organic standards and regulations; review petitioned materials for recommending inclusion on or deletion from the National List of Approved and Prohibited Substances (National List); recommend changes to the National List; communicate with the organic community, listen to public comments at public meetings; and communicate and coordinate with the NOP staff.

### **4. Description of Duties**

OFPA defines the following specific responsibilities for the Board starting at Section 2119(k):

1. **IN GENERAL:** The Board shall provide recommendations to the Secretary regarding the implementation of the Organic Foods Production Act.
2. **NATIONAL LIST:** The Board shall develop the proposed National List or proposed amendments to the National List for submission to the Secretary in accordance with Section 2118.
3. **TECHNICAL ADVISORY PANELS:** The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences and other relevant disciplines.
4. **SPECIAL REVIEW OF BOTANICAL PESTICIDES:** The Board shall, prior to the establishment of the National List, review all botanical pesticides used in agricultural

production and consider whether any such botanical pesticide should be included in the list of prohibited natural substances.

5. **PRODUCT RESIDUE TESTING.**—The Board shall advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination.
6. **EMERGENCY SPRAY PROGRAMS.**—The Board shall advise the Secretary concerning rules for exemptions from specific requirements of this title (except the provisions of section 2112) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

Additional Duties include:

1. **PETITIONS:** The Board shall establish procedures under which persons may petition the Board for the purpose of evaluating substances for inclusion on the National List.
2. **STANDARDS:** The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

Many of the duties outlined for the NOSB in OFPA have been completed. The current primary focus of the NOSB includes:

- Evaluate and provide recommendations related to specific substances being considered for inclusion on or removal from the National List
- Respond to NOP requests for advice on specific matters related to the implementation of OPFA
- Provide other recommendations regarding the implementation of OFPA based on public comments and feedback from the organic community

## **5. Agency or Official to Whom the Committee Reports**

The Board shall provide recommendations to the USDA Secretary through the Agricultural Marketing Service's National Organic Program (NOP) Deputy Administrator.

## **6. Support**

The National Organic Program shall provide administrative support to the NOSB through the work of an Advisory Board Specialist, who is a permanent staff member within the NOP. The NOP may also provide technical support to the Board based on need and available resources.

## **7. Estimated Annual Operating Costs and Staff Years**

The Committee's operating and staffing budget will be up to \$190,000 and 1.0 full time equivalent (FTE).

## **8. Designated Federal Officer and Advisory Board Specialist**

Roles and responsibilities for Board management and meeting coordination and facilitation are governed by FACA and its implementing regulations. The Advisory Board Specialist is assigned to support the NOSB and prepares the advisory committee's and subcommittees' meeting agendas and notes, and attends all committee and subcommittee meetings.

The NOP Deputy Administrator approves NOSB committee and subcommittee work plans; these approved work plans then form the basis of the committee and subcommittee agendas.

During public committee meetings of the Board and at meetings of the Executive Subcommittee, the NOP Deputy Administrator or designee acts as the Designated Federal Officer (DFO). The Advisory Board Specialist or designee acts as the DFO for all other subcommittee meetings. At any committee or subcommittee meeting, the DFO holds the authority to adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

## **9. Estimated Number and Frequency of Meetings**

The NOSB meets approximately twice per year for public meetings. Board subcommittees meet approximately twice a month by conference call.

## **10. Duration**

Continuing.

## **11. Termination**

The Committee charter will expire 2 years after the date of filing unless prior to that date, it is renewed in accordance with FACA, Section 14. The Committee will not meet or take any action without a valid current charter.

## **12. Membership and Designation**

OFPA specified the membership composition of the NOSB as follows. The Board shall be composed of 15 members, of which:

- four shall be individuals who own or operate an organic farming operation;
- two shall be individuals who own or operate an organic handling operation;
- one shall be an individual who owns or operates a retail establishment with significant trade in organic products;
- three shall be individuals with expertise in areas of environmental protection and resource conservation;
- three shall be individuals who represent public interest or consumer interest groups;
- one shall be an individual with expertise in the fields of toxicology, ecology, or biochemistry; and

- one shall be an individual who is a certifying agent as identified under OFPA section 2116.

Each member serves a staggered term of five years.

In accordance with USDA policies, “equal opportunity practices will be followed in all membership appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.”

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

The NOSB members elect one person to become the Board chairperson, one person to become vice chairperson, and one person to become secretary.

To maintain the highest levels of honesty, integrity, and ethical conduct, no Board member shall participate in any “specific party matters” (i.e., matters that are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Board members to immediately disclose to the NOP’s Advisory Board Specialist any specific party matter in which the member’s immediate family, relatives, business partners, or employer would be directly seeking to financially benefit from the Committee’s recommendations.

All members will receive ethics training annually to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

NOSB members are currently appointed as Representatives. If any members are appointed in the future as “Special Government Employees” (SGEs), SGE’s are considered intermittent Federal employees and are subject to Federal ethics laws. SGE’s are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards, USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

### **13. Subcommittees**

The NOSB may propose the creation or termination of subcommittees that report back to the parent committee; as the managing agency for the Board under FACA, the Agricultural Marketing Service has the authority to approve or reject these proposals, and to charter or discontinue subcommittees. The current subcommittees include Crops; Livestock; Handling; Materials and Genetically Modified Organisms; Compliance, Accreditation, and Certification; Policy Development; and Executive.

### **14. Recordkeeping**

The records of this Committee shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.ams.usda.gov/AMSV1.0/NOSB>

### **15. Filing Date**

May 8, 2014